IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

OP.No. 32013 of 2002(J)

PETITIONER:

BABU K.M., S/O. LATE MATHAI,
KADHALIMATTAM HOUSE, PALAMKALLU, RAJAPURAM P.O.,
KANHANGAD, KASARGOD DISTRICT.

BY ADV. SRI.V.C.JAMES
SRI.SERGI JOSEPH THOMAS

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT,
AGRICULTURE DEPARTMENT, GOVT. SECRETARIATE,
TRIVANDRUM.

2. KERALA STATE ELECTRICITY BOARD,
VYDHYUDHI BHAVAN, PATTOM, TRIVANDRUM,
REP. BY ITS SECRETARY.

3. ASSISTANT ENGINEER,
ELECTRICAL SECTION, KERALA STATE ELECTRICITY BOARD
RAJAPURAM, KASARGOD DISTRICT.

4. AGRICULTURAL OFFICER,
KRISHI BHAVAN, PANATHADY P.O.,
RAJAPURAM, KASARGOD DISTRICT.

R1 AND R4 BY G.P. SMT. R. BINDU.
R2 AND R3 BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 54143 OF 2002 IN OP 32013 OF 2002

DISMISSED

13.3.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE JUDGMENT DATED 26.7.2002 IN OP 33463 OF 2001

EXT.P2 TRUE COPY OF THE GOVERNMENT ORDER G.O. (MS) NO. 235/98 DATED 31.10.98

EXT.P3 TRUE COPY OF THE G.O. (MS) NO. 30/99/AGRL. DATED 4.2.99

EXT.P4 TRUE COPY OF THE NOTICE DATED 10.10.2002 OF THE THIRD RESPONDENT.

EXT.P5 TRUE COPY OF THE COMMUNICATION NO. TS1/LE/93-94/1427 DATED 17.8.93 OF THE DEPUTY CHIEF ENGINEER.

EXT.P6 TRUE COPY OF THE COMMUNICATION NO. TS1/LE/93-94/1263 DATED 21.7.93 OF THE DEPUTY CHIEF ENGINEER.

EXT.P7 TRUE COPY OF THE LABOUR ESTIMATED FOR EXTENDING ELECTRICITY TO PALAMKALLU

EXT.P8 TRUE COPY OF THE ORDER DATED 13.10.2000 IN CMP 48757/2000 IN OP NO. 28891 OF 2000 BEFORE THE HON'BLE HIGH COURT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 32013 OF 2002

Dated this the 13th day of March, 2007

JUDGMENT

This is the second O.P. filed by the petitioner in the very same matter. Dispute is with regard to petitioner's liability to pay minimum guaranteed amount which petitioner is liable to pay as the cost of installation was above Rs. 20,000/-. The demand is at the rate of Rs. 126/- per month. Since recovery is pending for the last nearly five years, and since petitioner is a farmer, an exemption is granted from payment of interest, provided entire arrears are paid on or before 30.4.2007. However, if the petitioner does not make payment then waiver of interest will stand automatically vacated and respondents will take coercive steps for recovery including disconnection. O.P. is closed as above. If connection is used bona fide for agricultural purposes, then the Board will restore connection immediately on clearing the entire arrears and on complying with formalities for restoration of connection.

(C.N.RAMACHANDRAN NAIR)
Judge